REMARKS

Status of the Claims

Claims 1-5, 11-22, 24-29, 31-43 and 46-82 were previously pending. Claims 2-4, 6-20, 22-23, 29, 57-61, and 67-75 have been canceled without prejudice or disclaimer. Claims 47-50 have been allowed. Claims 83 - 88 have been added, support for which can be found, for example, on page 3, lines 15-21 and page 4, lines 1-4. Accordingly, claims 1, 5, 21, 24-28, 31-43, 46, 51-56, 62-66, and 76-88 are pending and at issue.

Claim 1 previously recited a personal care product comprising a preservative system, wherein the preservative system comprises a specified quaternary ammonium biocide or a polymeric quaternary ammonium biocide, and a ketone acid. Claim 1 has been amended to recite a preservative system comprising a synergistic mixture of a benzethonium salt and dehydroacetic acid or a salt thereof. Support for this amendment can be found throughout the specification, including Examples 1 and 2. Claims 5, 21, 24-28, 31-42, 62-66, and 82 have been amended consistent with the amendments to claim 1.

Claim 51 has been amended to remove the term "and" which was rendered superfluous by previous amendments.

Acknowledgment of Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's finding that claims 47-50 are allowed.

Claim Rejections under 35 U.S.C. § 112

Claims 24-27, and 39-42 stand rejected as indefinite. The Examiner states that there is insufficient antecedent basis for the term "aromatic carboxylic acid". These claims depend, either directly or indirectly, from claim 82. Claim 82 recites an aromatic carboxylic acid. Applicants request that this rejection be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-5, 11, 12, 14, 18, 22, 24-27, 31-43, 46, 51-55, 57-60, 62-65, 67-70, 72-80 and 82 stand rejected as obvious over Adachi in view of Biedermann. Applicants previously argued that neither Adachi nor Biederman disclose or suggest the synergistic efficacy of the presently claimed preservative system. In Response, the Examiner states that the pending claims are not commensurate in scope with the showing of synergy.

Applicants respectfully disagree with the Examiner. To advance prosecution, however, the claims have been amended to recite a benzethonium salt and dehydroacetic acid or a salt thereof. Applicants submit that claims directed towards this combination are clearly commensurate in scope with the data in Examples 1 and 2. In Example 1, the combination of sodium dehydroacetate and benzethonium chloride is shown to be synergistic. In Example 2, the combination of dehydroacetic acid benzethonium chloride is shown to be synergistic.
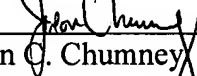
Furthermore, Applicants note that Adachi discloses a desquamative (peeling) composition containing salicylic acid and a cationic surfactant suitable as a therapeutic agent for *acne vulgaris*. Biedermann discloses antiseborrhoic agents, i.e., agents reducing or inhibiting sebaceous gland activity. While *acne vulgaris* is often (but not always) associated with seborrhoea, many people suffering from seborrhoea do not have acne. In the treatment of acne, Adachi and Biedermann follow different approaches. Adachi attempts to reduce the detrimental effect of the excessive proliferation of the stratus corneum commonly associated with *acne vulgaris* by peeling. Biedermann reduces excessive sebum secretion which is also known to promote the development of acne. Considering these different approaches, Applicants submit that the person of ordinary skill would not have been motivated to combine the cited references to obtain the preservative system of the present application.

Applicants reserve the right to seek allowance of broader claims supported by the present application via a continuing application.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: October 27, 2004   Respectfully submitted,

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